REMARKS/ARGUMENTS

Regarding the missing page 2 of 2 of the Information Disclosure Statement ("IDS"), Applicant's attorney reviewed the file and determined that the original package did include page 2 of the IDS. Perhaps it did not copy or became lost. In any event, Applicant herewith encloses a copy of page 2 of 2 of the IDS originally submitted with the patent application filed on August 28, 2003.

Applicant has reviewed and considered the claims rejections under 35 U.S.C. 102(b) as being anticipated by the French document 2622529 and has amended independent claim 1 to highlight the structural differences therebetween; namely, in Applicant's invention, the lift cable wraps around a winder bar to create a winch spool and the lift cable slides under a windlass affixed on a cradle arm. The winch spool is of great importance to the Applicant's invention as it prevents the cables from becoming entangled when wrapped. As mentioned in the specification, the proper winding of the cables is very important for two primary reasons: 1) cross or tangled cables significantly shorten cable life and 2) cross or tangled cables may cut themselves, thereby dropping the load. The French document 2622529 utilizes no such winch spool in its invention; thus, the cables are capable of becoming entangled very easily. Moreover, the French document does not utilize a windlass on a cradle arm.

Applicant has also reviewed and considered the rejection of claims 1 and 6-8 under 35 U.S.C. 102(b) as being anticipated by the Shivek patent and refers to the newly amended independent claim 1, of which claims 6-8 are dependent upon, to point out the structural differences therebetween. Although it is true the Shivek patent uses pulleys and cables for his dispensing apparatus, Shivek does not have a lift cable having a first end affixed to a winder bar on a lift, nor does Shivek teach a lift cable wrapping around a winder bar to create a winch spool. In addition, Shivek utilizes no such windless on a cradle arm as does Applicant's invention.

Applicant has also reviewed and considered the rejections under 35 U.S.C. 103(a) of claims 1-6 as being unpatentable over the Roth or Endres *et al.* patents in view of the French document and believes it would not have been considered obvious to one of ordinary skill in the art to modify either Roth or Endres *et al.* to include the tension means as taught by the

French document in order to prevent the lift cable from becoming entangled.

With regards to the both the Roth and Endres *et al.* patents, while it is true a first end of a cable is affixed to a winder bar on a lift, a second end of the cable is attached to a stationary object, namely the side of a dock (62) in Roth and an I-beam (22) in Endres *et al.*. Applicant's newly amended independent claim 1 limits the tensioning means to a movable object. The purpose of having a movable tensioning means is that the movement allows for the cable to remain taut when lifting *and* lowering the lift. By having the second end of the cable attached to a stationary object, the Roth and Endres *et al.* inventions permit the cable to remain taut when lifting the lifting beams *only*.

In addition, if one were to replace the counterweight with the stationary object of the Roth or Endres *et al.* inventions, one would still not achieve Applicant's invention as Applicant's invention utilizes a pulley surrounded by a stop affixed to an underside of a lift. Thus, Applicant submits a combination of Roth and Endres *et al.* would not render obvious Applicant's invention.

Applicant has also reviewed the rejection under 35 U.S.C. 103(a) of claims 1 and 6-9 as being unpatentable over the Roth or Endres et al. patents in view of the Shivek patent and believes it would not have been considered obvious to one of ordinary skill in the art to modify either Roth or Endres *et al.* to include the tension means comprising a spring in order to prevent the lift cable from becoming entangled.

With regards to the both the Roth and Endres *et al.* patents, while it is true a first end of a cable is affixed to a winder bar on a lift, a second end of the cable is attached to a stationary object, namely the side of a dock (62) (Roth) or an I-beam (22) (Endres *et al.*). Applicant's newly added independent claim 10, which is comparable to originally filed claims 1 and 7, limits the tensioning means to a movable spring connected to a top beam of said lift. The purpose of having a movable tensioning means is that it permits movement for the cable to remain taut when lifting and lowering the lift. By having the second end of the cable attached to a stationary object, the Roth and Endres *et al.* inventions permit the cable to remain taut when lifting the lifting beams only.

In addition, if one were to replace the spring of the Shivek patent with the stationary object of the Roth or Endres *et al.* inventions, one would still not achieve Applicant's

invention as Applicant's invention utilizes a windlass on a cradle arm to maintain the correct alignment of the lift cable and the Roth and Endres *et al.* patents utilize simply pulley and bracket systems. Thus, the neither the Roth patent nor the Endres et al. patent read in combination with the Shivek patent teach Applicant's device.

In view of the above amendments and remarks, Applicant believes the examiner will now find this patent application in a position for allowance and its expeditious passage to same is requested.

Should the examiner disagree or have any questions, comments or suggestions that will render this application allowable, a call to the undersigned attorney of record is invited.

Respectfully submitted,
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I HEREBY CERTIFY that the above Response and Amendment is being deposited with the United States Postal Service by "Express Mail Post Office to Addressee" service, U.S. Express Mail No. EV 589509498 US, on the 1ST day of November, 2004, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Legal Assistant